

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL(LOD) NO.217 OF 2002

The Director of Income Tax (International Taxation) ..Appellant.

V/s.

M/s. General Tyre International Co.

..Respondent.

Mr. Suresh Kumar for the appellant.

Mr. A.K. Jasani for the respondent.

CORAM : J.P. DEVADHAR AND
SMT. R.P.SONDURBALDOTA JJ.

DATED : 14TH JUNE, 2011

P.C. :-

1. Matter not on board. By consent of the parties, the appeal is taken up for admission.

2. In this Case, the Tribunal has disposed of the appeal on merits by relying upon its decision in the assessee's own case for the earlier years but had not considered the question as to the whether CIT was justified in invoking the jurisdiction under Section 263 of the Income Tax Act, 1961. In this view of the matter, by consent, the order of the ITAT dated 2/8/2001 is quashed and set aside the the matter is restored to the file of the ITAT for decision afresh in accordance with law. The appeal is disposed off accordingly with no order as to costs.

(SMT. R.P.SONDURBALDOTA, J.)

(J.P. DEVADHAR, J.)